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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,236	07/31/2003	Joshua S. Allen	RSW920030080US1	2538

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EXAMINER
WAI, ERIC CHARLES

ART UNIT	PAPER NUMBER
2195	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/632,236	ALLEN, JOSHUA S.	
	Examiner	Art Unit	
	ERIC C. WAI	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Beadle et al. (US Pat No. 6,766,373 hereinafter Beadle).

4. Regarding claim 6, AAPA teaches a method comprising:

dynamically adding a Java resource to at least one web application in a web application server without having to restart the web application ([0002] lines 1-3).

5. AAPA does not explicitly teach that the dynamically adding of a resource occurs without losing session information in the web application or that the adding is performed through a separate web application having a duty to serve the resource. Beadle teaches a system that would allow users to be switched over to other connections (i.e. resources) without losing session information (col 2 lines 39-47).

6. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to include dynamically adding without losing session information. It is well known in the art that losing session information is unwanted behavior and such an improvement would be welcomed as evidenced by Beadle (col 2 lines 45-46). One would be motivated by the desire to be able to add resources in real-time without disrupting end users.

7. It also would have been obvious to one of ordinary skill in the art, at the time of the invention, that the adding is performed through a separate web application having a sole duty to serve the resource. AAPA indicates that when a web application adds resources, session information is lost ([0002] lines 3-4). One would be motivated by the desire to ensure the integrity of user session information when such resources are added to reduce system down time.

8. Regarding claim 7, AAPA teaches that the Java resource comprises a Java ResourceBundle ([0003]).

9. Regarding claim 8, AAPA teaches the Java resource is selected from the group consisting of a new Java resource and an updated Java resource ([0019]).

10. Claims 1-5, and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) and Beadle et al. (US Pat No. 6,766,373), further in view of Tyrell, III (US Pat No. 7,062,527 hereinafter Tyrell).

11. Regarding claim 9, AAPA teach the method comprising:

detecting an availability of the Java resource (wherein it is inherent that the resource must be available before it can be allocated);

receiving a request for the Java resource from the web application (wherein it is inherent that the application requests the resource either directly or indirectly); and

providing the Java resource to the web application ([0002]).

12. AAPA does not teach the use of a resource lookup web application or the step of installing the Java resource and, once installed, advertising the Java resource to the web application.

13. However, Tyrell teaches a server that periodically checks resource information and notifies hosts of any changes that may have occurred (col 13 lines 12-25). In the system of Tyrell, the resources are pooled together and the status is updated in a database (col 13 lines 26-31). Tyrell teaches that his system would be useful in an environment where servers are constantly starting up and shutting down.

14. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a resource lookup application. One would be motivated by the desire to have a centralized database for checking the status of resource availability. It would have also have been obvious to one of ordinary skill in the art, to install and

advertise resources to web applications. One would have been motivated by the desire to notify the applications of changing resource availability as evidenced by Tyrell.

15. Regarding claims 1-4, they are the rejected for the same reasons as claims 6-9 above.

16. Regarding claim 5, AAPA teaches installing the resource into the resource lookup web application causes the resource lookup web application to lose session information ([0002]).

17. Regarding claims 10-17, they are the system and program product claims of claims 6-9 above. Therefore, they are rejected for the same reasons as claims 6-9 above.

Response to Arguments

18. Applicant's arguments filed 12/18/2007 have been fully considered but they are not persuasive.

19. Applicant argues on page 8:

"As a first matter, Applicant disputes that Paragraph [0002] (cited by the Office as Admitted Prior Art) of the claimed invention discloses any element of the claimed invention. In fact, the Office admits that the primary reference, AAPA, does not explicitly

teach that the dynamically adding of a resource occurs without losing session information, or that the adding is performed through a separate web application having a sole duty to serve the resource. Instead, the Office alleges that Beadle teaches a system that allows users to be switched over to other connections without losing session information. Even if, arguendo, Beadle did, in fact, teach what the Office alleges, the Office has still not shown that Beadle teaches each and every claim limitation of the claimed invention. Although Beadle does teach that it is beneficial to avoid losing session information, the system taught in Beadle to achieve that end is not equivalent to the claimed invention. For example, Beadle does not teach "wherein the adding is performed through a separate web application having a sole duty to serve the JAVA resources.""

20. Examiner disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

21. Furthermore, Applicant's assertion that Beadle does not teach "wherein the adding is performed through a separate web application having a sole duty to serve the JAVA resources" is incorrect. AAPA at [0002] lines 3-4, was relied upon to teach this limitation. Since it is the web application that "receives" new class files, it would be obvious that the addition is performed thru a separate web application having a sole duty to serve such resources.

22. Applicant argues on pages 8-9:

"The Office, in the Response to Arguments section, states that "Beadle was cited to indicate that it is well known in the art that losing session information is highly unwanted behavior." Office Action, p. 6. While Applicants may agree with the Office that it is well known in the art that losing session information is not desired, Applicants respectfully submits that prior art that states that a problem exists is not equivalent to prior art that discloses the solution of the claimed invention. For example, Beadle teaches a system that allows a client browser to switch from one connection route to another route without losing session information, by storing/caching the session information on the client and the server. In contrast, the claimed invention solves the problem in a different way, teaching that Java resources are obtained indirectly from a separate web application, whose only duty is to serve Java resources."

23. Examiner disagrees. Applicant has not explicitly claimed how the invention specifically operates in order that session information is not lost, only that it operates in such a manner. For this reason, Applicant has not claimed "the solution" as asserted in the arguments. Since, Applicant agrees that it is well known in the art that losing session behavior is unwanted behavior, one would be motivated by the knowledge commonly available to one of ordinary skill (such as supplied by Beadle) in order to seek to perform the adding of resources without losing session information in the web application. Such a modification would be obvious and not patentable as claimed.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012. The examiner can normally be reached on Mon-Thurs, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195
/Eric C Wai/
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